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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 14 April 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I am addressing you concerning the draft resolution of the current, fifty-third session of the United Nations Commission on Human Rights - "Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia" (E/CN.4/1997/L.88).

Regrettably, this year again, we have to note that the part of the resolution dealing with the Federal Republic of Yugoslavia does not objectively reflect the actual situation, nor does it reflect the analyses, assessments and conclusions contained in the report of Ms. Elisabeth Rehn, Special Rapporteur for human rights, or those made by other United Nations bodies in charge of following up on some specific issues connected with the protection of human rights (CERD, Special Rapporteurs on extrajudicial executions and religious intolerance, Working Group on Arbitrary Detention, etc.).

This approach, founded on arbitrary, biased and inaccurate stands and conclusions, is not acceptable, nor does it serve the protection and promotion of human rights.

The Federal Republic of Yugoslavia has a right to expect that its openness and willingness to cooperate with the Commission and other United Nations bodies, regardless of its suspended status within the United Nations, will contribute to the development and protection of

human rights in the country and the region, in particular in the territories of the former Yugoslavia. However, of late, we are witnessing that some influential members of the Commission, while directing the activities of this eminent international body, are almost thoroughly neglecting the extremely difficult predicament of the Serbs in Croatia and Bosnia and Herzegovina, as well as the 700,000 refugees currently residing in the Federal Republic of Yugoslavia, who are in various intricate ways denied the return to their homesteads. Such an approach is, undoubtedly, yet another proof of double standards used by some members of the Commission, which is unacceptable - professionally, as well as from the humanitarian point of view.

The Federal Republic of Yugoslavia has on several occasions pointed to the deliberately made "terminological" errors contained in the text of the resolution, repeated for years now, out of particular political motives. Once again, we wish to point out, first and foremost, that no brackets follow the official name of the Federal Republic of Yugoslavia, containing the names of its two republics. Its correct name is in use by the United Nations, by the United Nations Secretary-General and other bodies, ever since the proclamation of the Federal Republic of Yugoslavia on 27 April 1992.

The name of one of the two Autonomous Provinces of the Federal Republic of Yugoslavia is Kosovo and Metohija, which fact is systematically ignored out of certain political motives, with the foreign, Albanian name of "Kosova" used instead.

In addition, another part of the Federal Republic of Yugoslavia is referred to as "Sandjak", which is a Turkish word, meaning a "territorial unit in the Ottoman Empire", while the accurate name of this territory is the "Raska region".

With regard to the facts and the actual situation, the stands contained in the following paragraphs of the resolution are inadequate, since inaccurate:

- Paragraph 29 (a): The demand that the FRY institute and implement fully democratic norms is redundant, since the principles of parliamentary democracy, including free and fair elections at all levels, are guaranteed under the Constitution and legislation, and implemented as testified to by competent international bodies, such as the OESC.

- Paragraph 29 (b): The freedom of the media is guaranteed by the Constitution and laws of the Federal Republic of Yugoslavia, thus enabling the operation of a large number of print and broadcast media of the many political parties and citizens' associations. If pressure were exerted upon the media, as claimed in the said paragraph, their number would probably have been reduced, rather than increased, which is the case in Yugoslavia today. The so-called opposition newspapers make up the substantial part of the total of 2,109 newspapers, with a daily circulation of 1,500,000. The State is the founder of one of the total of 101 radio stations in operation, as well as of 1 (out of 14) TV station which broadcasts programmes in the territory of the FRY.

- Paragraph 29 (c): The said paragraph is incorrectly making use of the report of the Special Rapporteur, as if testifying to the practice of torture in the FRY. However, this report contains references to alleged individual cases of torture and abuse.

- Paragraph 29 (d): There are no discriminatory laws in the Federal Republic of Yugoslavia. Accusations contained in this paragraph, concerning alleged discriminatory laws, are inaccurate, never having been articulated in this manner by any international body dealing with the Yugoslav legal system - either CERD or the many special rapporteurs of the Commission. In this connection, we would like to draw your attention to the fact that under the Constitution of the Federal Republic of Yugoslavia, discrimination is forbidden and subject to prosecution, and we would like to reiterate our request to be told what the specific discriminatory legislation implied here is, since no particular law is mentioned in the resolution.

- Paragraphs 29 (e)-(i): The said paragraphs, referring to the position of minorities in the Federal Republic of Yugoslavia, are not acceptable, since they contain a series of inaccurate facts, arbitrary allegations, innuendoes without any proof or reference of the source. It is indicative, though, that the report of Ms. Elisabeth Rehn is not even mentioned, maybe because this report contains no corroborative confirmation whatsoever of the grave accusations of the alleged existence of systematic violations of the human rights of minorities in the Federal Republic of Yugoslavia.

- Paragraph 29 (g) is particularly indicative in this connection, since it contains the allegation of the existence of political detainees in the Federal Republic of Yugoslavia, which is absolutely false, uncorroborated by any special rapporteurs' reports, including that of Ms. Rehn. However, if some individual members of the Commission consider as "political detainees" the terrorists charged, put on trial, and sentenced on the basis of proven terrorist acts, whose victims were mainly civilians, it is certainly not the case with the preponderant number of members of the Commission.

- Paragraph 30: This paragraph is contradictory per se, since the dialogue between the authorities and the opposition is conducted, as in any democratic country, in conformity with the law, within the existing institutions of the system, i.e., the Parliament. Whether a dialogue will follow depends on the will and interest of political parties, as is the case in all democracies. On this occasion, again, we wish to point to the superfluousness of appealing to the authorities of the Federal Republic of Yugoslavia to pursue a dialogue with the representatives of the Albanian minority, since they systematically refuse any contact with the official representatives of the Republic of Serbia and the Federal Republic of Yugoslavia, while openly advocating secession.

- Paragraph 31: The contents of this paragraph are unacceptable, since it conditions reintegration of the Federal Republic of Yugoslavia into the international community on the respect for human rights and cooperation with the International Tribunal, a demand valid for a large number of countries, none of them conditioned as for the FRY.

This approach implies discrimination against the Federal Republic of Yugoslavia without precedent in United Nations bodies; it is in contravention of article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, since such conditions are not being imposed upon any other State specifically covered by this resolution. In particular, we wish to point out that such a type of conditionality and flagrant discrimination are in contravention of the Commission's mandate and it has not been used so far in the case of any Member State of the United Nations.

It is our hope that the members of the Commission will take the above facts and arguments into due consideration and that, on the occasion of drafting the final text of the resolution, they will not fail in refraining from the attempts of abusing this prominent political body for partial political purposes. Otherwise, approving such a draft resolution will have an impact on the further erosion of the Commission's credibility and on its marginalization within the context of prevailing international relations.

Mr. Chairman, would you kindly distribute this letter to all the members of the Commission, and circulate it as an official document of the fifty-third session, under agenda item 10.

(Signed): Miroslav MILOŠEVIĆ
Chargé d'affaires a.i.

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